

**COUNTY COUNCIL
OF
HOWARD COUNTY, MARYLAND**

2007 Legislative Session

**Legislative Day No. 11
July 30, 2007**

HOWARD COUNTY TO WIT:

The Chairman called the session to order at 4:30 p.m.

Calvin Ball, Chairperson; Courtney Watson, Vice Chairperson; Greg Fox, Council Member; Mary Kay Sigaty, Council Member; and Jennifer Terrasa, Council Member, were present. Sheila Tolliver, Administrator to the County Council; Jim Vannoy, Office of Law; and Jennifer Sager, Legislative Coordinator, were also present.

APPROVE MINUTES

The Chairperson moved to approve the minutes of the following meetings: Legislative Public Hearing, July 16, 2007; Legislative Work Session, July 23, 2007; and Legislative Work Session, July 25, 2007. His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson

The motion to approve the minutes passed. (See attached.)

FINAL CONSIDERATION

The Chairperson moved to adopt the following legislation:

Consent

Council Resolution No. 84-2007 – Confirming the appointment of Olaniyi Areke to the Cable Advisory Committee

Council Resolution No. 85-2007 – Confirming the appointment of Asif Majid to the Human Rights Commission

Council Resolution No. 86-2007 – Confirming the appointment of J. Manuel Ocasio to the Human Rights Commission

Council Resolution No. 87-2007 – Confirming the appointment of Shellie N. Rogers to the Human Rights Commission

His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the resolutions was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson

Council Resolutions No. 84-2007, No. 85-2007, No. 86-2007 and No. 87-2007 passed.

Financial

Supplementary Budget & Appropriation Ordinance No. 1-Fiscal 2008 – Transferring \$20,000 from the Grant Fund Contingency to the Circuit Court for Howard County for certain library improvements

The Chairperson moved to adopt Supplementary Budget & Appropriation Ordinance No. 1-Fiscal 2008. His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson

Supplementary Budget & Appropriation Ordinance No. 1-Fiscal 2008 passed.

Council Bill No. 50-2007 – Supplementing Council Bill No. 35-2006 to allow proceeds of the County's Consolidated Public Improvement Commercial Paper Bond Anticipation Notes, Series D, to be used to finance certain capital projects and project costs described in Council Bills Nos. 20-2007, 21-2007, 22-2007 and 23-2007; and supplementing Council Bill No. 34-2006 to allow proceeds of the County's Consolidated Public Improvement Bonds and/or Metropolitan District Bonds authorized thereby to be used to refinance such capital projects and project costs

The Chairperson moved to adopt Council Bill No. 50-2007. His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the bill was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson

Council Bill No. 50-2007 passed.

General

Council Bill No. 51-2007 – Introduced by Calvin Ball/Co-Sponsored by Jennifer Terrasa - Requiring a minimum wage for employees of certain contractors and subcontractors of the County; providing for exceptions; providing for bid and proposal requirements; prohibiting certain acts; authorizing specified reductions to wages; specifying how certain minimum wage rates are calculated; specifying when other laws or agreements control wages; providing for enforcement; requiring an annual report; and generally relating to procurement of services

The Chairperson moved to adopt Council Bill No. 51-2007. His motion was seconded by Ms. Watson.

Council Member Fox moved to adopt Amendments No. 1, No. 2, No. 3, No. 4, No. 5, No. 6, No. 7, No. 8, No. 9, and No. 10 to Council Bill No. 51-2007 as follows:

Amendment No. 1 - *(This amendment removes an exception to wage requirements for County procurement contractors and subcontractors.)*

On page 1 strike lines 21 through 26 in their entirety and renumber Sec. 4.122A.(b)(2)(II) through the second (b)(2)(VII) accordingly.

Amendment No. 2 - *(This amendment removes an exception to wage requirements for County procurement contractors and subcontractors.)*

On page 1 strike lines 27 through 32 in their entirety and renumber Sec. 4.122A.(b)(2)(I) through the second (b)(2)(VII) accordingly.

Amendment No. 3 - *(This amendment removes an exception to wage requirements for County procurement contractors and subcontractors.)*

On page 1 strike line 33 in its entirety and renumber Sec. 4.122A.(b)(2)(V) through the second (b)(2)(VII) accordingly.

Amendment No. 4 - *(This amendment removes an exception to wage requirements for County procurement contractors and subcontractors.)*

On page 2 strike lines 1 through 3 in their entirety and renumber Sec. 4.122A.(b)(2)(I) through the second (b)(2)(VII) accordingly.

Amendment No. 5 - *(This amendment removes an exception to wage requirements for County procurement contractors and subcontractors.)*

On page 2 strike lines 4 through 5 in their entirety and renumber Sec. 4.122A.(b)(2)(VI) through the second (b)(2)(VII) accordingly.

Amendment No. 6 - *(This amendment removes an exception to wage requirements for County procurement contractors and subcontractors.)*

On page 2 strike lines 6 through 8 in their entirety and renumber Sec. 4.122A.(b)(2)(VII) through the second (b)(2)(VII) accordingly.

Amendment No. 7 - *(This amendment removes an exception to wage requirements for County procurement contractors and subcontractors.)*

On page 2 strike lines 9 through 11 in their entirety.

Amendment No. 8 - *(This amendment removes an exception to wage requirements for County procurement contractors and subcontractors.)*

On page 2 strike lines 12 through 14 in their entirety.

Amendment No. 9 - *(This amendment removes an exception to wage requirements for County procurement contractors and subcontractors.)*

On page 3 strike lines 26 through 29 in their entirety and renumber Sec. 4.122A.(f)(3) through (f)(5) accordingly.

Amendment No. 10 - *(This amendment removes an exception to wage requirements for County procurement contractors and subcontractors.)*

On page 4 strike lines 4 through 5 in their entirety and renumber Sec. 4.122A.(f)(5).

His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on Amendments No.1 through Amendment No.10 on Council Bill No. 51-2007 was: Nay: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Amendments No.1, No. 2, No. 3, No. 4, No. 5, No. 6, No. 7, No. 8, No. 9, and No. 10 to Council Bill No. 51-2007 failed.

The roll call vote called by the Chairperson on the bill was: Yea: Council Members Ball, Sigaty, Terrasa, and Watson; Nay: Council Member Fox.

Council Bill No. 51-2007 passed.

Council Bill No. 52-2007 – Introduced by Jen Terrasa - Providing for the declaration of an impasse concerning employment issues with certain exclusive representatives; providing for an arbitrator and requiring the selection of an arbitrator through a certain process; providing for a hearing; establishing the duties of the arbitrator; requiring the arbitrator to consider certain factors; prohibiting the arbitrator from considering certain factors; requiring the County Executive to take certain actions; providing that the County Council is not bound by certain actions; defining certain terms and time limits; providing for the construction of the section; and generally relating to dispute resolution procedures

The Chairperson moved to adopt Council Bill No. 52-2007. His motion was seconded by Ms. Watson.

The Chairperson moved to adopt Amendment No. 1 to Council Bill No. 52-2007 as follows: *(This amendment makes a technical correction in the definition of “party” to clarify that employees are “sworn classified employees” of the Police Department or “uniformed classified employees” of the Fire Department.)* On page 4, in line 4, strike beginning with the second “THE” down through “OF” in line 5.

On page 4, in line 6, before “THE” insert “SWORN CLASSIFIED EMPLOYEES OF”.

On page 4, in line 7, before “THE” insert “UNIFORMED CLASSIFIED EMPLOYEES OF”.

His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the amendment was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson

Amendment No. 1 to Council Bill No. 52-2007 passed.

The Chairperson moved to adopt Amendment No. 2 to Council Bill No. 52-2007 as follows:
(*This amendment amends the definition of subject area of bargaining as follows:*

1. *Removes the subject areas of overtime and call back benefits; and*
2. *Adds language that the subject area of bargaining does not include health benefits so long as the County makes the same benefits available to other Classified employees or matters involving those rights reserved to the County under section 1.603 of the Howard County Code.)*

On page 4, strike in their entirety lines 8 through 11, inclusive, and substitute:

“(2) SUBJECT AREA OF BARGAINING:

- (I) MEANS A SUBJECT MATTER AREA SUCH AS, BUT NOT LIMITED TO, WAGES, HOURS, TERMS AND CONDITIONS OF EMPLOYMENT, SHIFT DIFFERENTIAL, LEAVE, GRIEVANCE PROCEDURE, SAFETY, AND PENSION BENEFITS;
- (II) DOES NOT INCLUDE HEALTH BENEFITS, SO LONG AS THE COUNTY MAKES THE SAME HEALTH BENEFITS AVAILABLE TO ALL OF THE COUNTY’S CLASSIFIED EMPLOYEES; AND
- (III) DOES NOT INCLUDE MATTERS INVOLVING THOSE RIGHTS RESERVED EXCLUSIVELY TO THE COUNTY UNDER SECTION 1.603 OF THIS SUBTITLE.”

His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on Amendment No. 2 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson

Amendment No. 2 to Council Bill No. 52-1007 passed.

The Chairperson moved to adopt Amendment No. 3 to Council Bill No. 52-2007 as follows:
(*This amendment removes the provision for mediation in subsection (e) and adds a provision permitting nonbinding mediation in subsection (f).)*

On page 5, strike lines 11 through 14 in their entirety.

On page 7, after line 20, insert:

“(8) THE PARTIES ARE ENCOURAGED TO ENTER INTO NONBINDING MEDIATION IN ADDITION TO OR AS AN ALTERNATIVE TO ARBITRATION. THE ARBITRATOR MAY, AT ANY TIME DURING THE ARBITRATION PROCESS, ACT AS A MEDIATOR AND ATTEMPT TO MEDIATE A DISPUTED SUBJECT AREA OF BARGAINING PRIOR TO THE ARBITRATOR’S FINAL DECISION.”

His motion was seconded by Ms. Watson.

The Chairperson moved to adopt Amendment No. 1 to Amendment No. 3 to Council Bill No. 52-2007 as follows: (*This amendment removes the provision encouraging the parties to enter into nonbinding mediation as an alternative to arbitration.*)

On page 1, in line 4 through line 5 strike “IN ADDITION TO OR AS AN ALTERNATIVE TO ARBITRATION”.

His motion was seconded by Ms. Watson

The roll call vote called by the Chairperson on the amendment to the amendment was:
Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson
Amendment No. 1 to Amendment No. 3 to Council Bill No. 52-2007 passed.

The roll call vote called by the Chairperson on Amendment No. 3 as amended was: Yea:
Council Members Ball, Fox, Sigaty, Terrasa and Watson
Amendment No. 3 to Council Bill No. 52-2007 passed as amended.

The Chairperson moved to adopt Amendment No. 4 to Council Bill No. 52-2007 as follows: *(This amendment clarifies the procedures for arbitrator selection as follows:*

- 1. Adds that the panel of arbitrators should be familiar with impasse disputes and interest arbitration;*
- 2. Clarifies the process for selecting the arbitrator when there is an impasse; and*
- 3. Makes certain technical corrections to use the word "list" instead of "panel" and to move the authority of the arbitrator to act as a mediator to another section.)*

On page 5, in line 9, strike "IN THE ORDER OF SELECTION AND" and substitute "LIST".

On page 4, in line 30, strike "PANEL" and substitute "LIST".

On page 4, in line 31, after "AREA" insert "WHO ARE FAMILIAR WITH IMPASSE DISPUTES AND INTEREST ARBITRATION, UNLESS OTHERWISE AGREED TO BY THE PARTIES".

On page 5, in line 1, before "SEVEN" insert "A PANEL OF" and, in the same line, after "THE", strike "PANEL" and substitute "LIST".

On page 5, in line 2, strike "ARBITRATORS." and substitute "ARBITRATORS, IN THE FOLLOWING MANNER:".

On page 5, in line 3, strike "(3)" and substitute "(I)" and, in the same line, strike "PANEL" and substitute "LIST".

On page 5, in line 6, strike "(4)" and substitute "(II)".

On page 5, in line 8, strike "(5)" and substitute "(III)" and, in the same line, strike "PANEL SHALL BE LISTED". On page 5, strike in their entirety lines 11 through 14, inclusive.

On page 5, strike in their entirety lines 22 through 24, inclusive, and substitute:
"PANEL TO BE THE ARBITRATOR AS FOLLOWS:

- (I) THE PARTIES SHALL ALTERNATELY STRIKE NAMES AND KEEP TRACK OF THE ORDER OF THE STRIKES UNTIL THERE IS ONLY ONE MEMBER REMAINING;
- (II) THE PARTY STRIKING FIRST SHALL BE AGREED TO OR DETERMINED BY A COIN TOSS; AND

(III) THE LAST REMAINING ARBITRATOR SHALL BE DEEMED TO BE
SELECTED BY THE PARTIES AND SHALL ARBITRATE THE DISPUTE.”

On page 8, after line 22, insert:

“(2) NOTHING IN THIS SECTION IS INTENDED TO PREVENT THE ARBITRATOR
APPOINTED PURSUANT TO THIS SECTION FROM ACTING AS A MEDIATOR
AND ATTEMPTING TO MEDIATE THIS DISPUTE AT ANY TIME PRIOR TO ITS
FINAL RESOLUTION.”

His motion was seconded by Ms. Watson.

The Chairperson moved to adopt Amendment No. 1 to Amendment No. 4 to Council Bill No. 52-2007 as follows: *(This amendment removes certain language authorizing the arbitrator to act as a mediator.)*

On page 2, strike in its entirety line 3.

On page 2, strike in their entirety lines 15 through 19, inclusive.

His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the amendment to the amendment was:

Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson

Amendment No. 1 to Amendment No. 4 to Council Bill No. 52-2007 passed.

The roll call vote called by the Chairperson on Amendment No. 4 as amended was: Yea:
Council Members Ball, Fox, Sigaty, Terrasa and Watson

Amendment No. 4 to Council Bill No. 52-2007 passed as amended.

The Chairperson moved to adopt Amendment No. 5 to Council Bill No. 52-2007 as follows:
(This amendment adds or amends certain factors for the arbitrator to consider as follows:

- 1. Adds that the arbitrator shall consider the existing terms and conditions of employment consistent with the definition of subject area of employment;*
- 2. Clarifies that the arbitrator should evaluate the County’s short and long term liabilities as well as the potential impact on the County’s credit rating;*
- 3. Clarifies the funding that the arbitrator should consider; and*
- 4. Makes a technical correction to remove reference to providing services required by State law.)*

On page 7, in line 22, before “FINDINGS” insert “MAKING”.

On page 8, in line 2, after “UNIT” insert “WITHIN THE SUBJECT AREA OF BARGAINING
AS DEFINED IN THIS SUBTITLE, EXCEPT THAT THE ARBITRATOR CAN TAKE INTO
CONSIDERATION THE EMPLOYEES’ HEALTH BENEFITS”.

On page 8, strike in their entirety lines 18 and 19, inclusive, and substitute:

“(VII) THE REVENUE ESTIMATES FOR THE ENSUING FISCAL YEAR,
EXCLUSIVE OF THOSE REVENUES SUFFICIENT TO FUND THE
COUNTY EXECUTIVE’S PROPOSED CAPITAL BUDGET AND CAPITAL
IMPROVEMENT PROGRAMS;

(VIII) THE COUNTY’S LONG AND SHORT TERM LIABILITIES AS WELL AS
THE POTENTIAL IMPACT OF A FINANCIAL AWARD ON THE
COUNTY’S CREDIT RATING; AND”.

On page 8, in line 20, strike “(viii)” and substitute “(IX)”.

On page 8, in line 22, strike “AS REQUIRED BY STATE LAW”.

His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on Amendment No. 5 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson
Amendment No. 5 to Council Bill No. 52-2007 passed.

The Chairperson moved to adopt Amendment No. 6 to Council Bill No. 52-2007 as follows: *(This amendment clarifies that the County Executive is not bound by a decision that is contrary to law.)*

On page 9, after line 18 insert:

“(4) THIS SUBSECTION MAY NOT BE INTERPRETED OR CONSTRUED TO
REQUIRE THE COUNTY EXECUTIVE TO BE BOUND BY, OR TO SUBMIT
A BUDGETARY REQUEST AND LEGISLATION TO IMPLEMENT ANY
DECISION OF AN ARBITRATOR THAT IS CONTRARY TO:
(I) STATE LAW;
(II) PROVISIONS OF THE HOWARD COUNTY CHARTER GOVERNING
PUBLIC EMPLOYMENT AND FISCAL PROCEDURES; OR
(III) THOSE RIGHTS THAT ARE EXCLUSIVE TO THE COUNTY
PURSUANT TO SECTION 1.603 OF THIS SUBTITLE.”

His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on Amendment No. 6 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson
Amendment No. 6 to Council Bill No. 52-2007 passed.

The Chairperson moved to adopt Amendment No. 7 to Council Bill No. 52-2007 as follows: *(This amendment clarifies that the County Council is not bound by a decision that is contrary to law.)*

On page 9, in line 19, after “ACTION.” insert “(1)”.

On page 9, after line 23, insert:

“(2) THIS SUBSECTION MAY NOT BE INTERPRETED OR CONSTRUED TO
REQUIRE THE COUNTY COUNCIL TO IMPLEMENT ANY DECISION OF AN
ARBITRATOR:
(I) THAT IS CONTRARY TO:
A. STATE LAW;
B. PROVISIONS OF THE HOWARD COUNTY CHARTER GOVERNING
PUBLIC EMPLOYMENT AND FISCAL PROCEDURES; OR
C. THOSE RIGHTS THAT ARE EXCLUSIVE TO THE COUNTY
PURSUANT TO SECTION 1.603 OF THIS SUBTITLE; OR

(II) WHERE REVIEW AND APPROVAL OF PROPOSED LEGISLATION IS RESERVED BY THE COUNTY CODE OR CHARTER TO ANOTHER ENTITY SUCH AS THE PENSION OVERSIGHT COMMISSION OR THE PERSONNEL BOARD.”

His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on Amendment No. 7 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson
Amendment No. 7 to Council Bill No. 52-2007 passed.

The Chairperson moved to adopt Amendment No. 8 to Council Bill No. 52-2007 as follows: *(This amendment adds provisions covering the situation where the impasse procedures have been invoked and the current memorandum of understanding has expired without the implementation of a new memorandum of understanding.)*

On page 11, after line 2, insert:

“(M) EXTENSION OF MEMORANDUM OF UNDERSTANDING.

- (1) IF THE IMPASSE RESOLUTION PROCEDURES PROVIDED FOR IN THIS SECTION HAVE BEEN INVOKED AND THE CURRENT MEMORANDUM OF UNDERSTANDING EXPIRES WITHOUT THE IMPLEMENTATION OF A NEW MEMORANDUM OF UNDERSTANDING, THE COUNTY MAY NOT, WITHOUT THE WRITTEN APPROVAL OF THE EXCLUSIVE REPRESENTATIVE, MAKE ANY CHANGES IN THE WAGES, HOURS OR TERMS AND CONDITIONS OF EMPLOYMENT BETWEEN THE EXPIRATION OF THE CURRENT MEMORANDUM OF UNDERSTANDING AND THE EFFECTIVE DATE OF THE SUCCESSOR MEMORANDUM OF UNDERSTANDING, EXCEPT THAT THE COUNTY MAY MAKE CHANGES TO HEALTH BENEFITS; AND
- (2) THE IMPLEMENTATION OF THIS SUBSECTION MAY NOT VIOLATE THE PROVISIONS OF THE HOWARD COUNTY CHARTER AND MAY BE EFFECTIVE FOR NO LONGER THAN ONE YEAR.”

His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on Amendment No. 8 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson
Amendment No. 8 to Council Bill No. 52-2007 passed.

The roll call vote called by the Chairperson on the bill as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson
Council Bill No. 52-2007 passed as amended.

Council Bill No. 53-2007 – Adopting certain National Codes as the Fire Prevention Code for Howard County; adopting local amendments to the Fire Prevention Code; making a conforming change; and generally relating to the Fire Prevention Code and fire safety for Howard County

The Chairperson moved to adopt Council Bill No. 53-2007. His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the bill was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson

Council Bill No. 53-2007 passed.

Council Bill No. 54-2007 – Pursuant to Section 612 of the Howard County Charter, approving a multi-year agreement between Howard County, Maryland and Comcast Commercial Services, LLC for a 25 Mbps enterprise internet service connection

The Chairperson moved to adopt Council Bill No. 54-2007. His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the bill was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson

Council Bill No. 54-2007 passed.

Council Bill No. 55-2007 - Adding certain recruitment bonuses to the Howard County Code; and generally relating to human resources provisions in the Howard County Code

The Chairperson moved to adopt Council Bill No. 55-2007. His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the bill was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson

Council Bill No. 55-2007 passed.

Council Bill No. 56-2007 - Amending certain definitions related to disability issues in the Howard County Code; and generally relating to disability issues

The Chairperson moved to adopt Council Bill No. 56-2007. His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the bill was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson

Council Bill No. 56-2007 passed.

Council Bill No. 47-2007 – Requiring certain buildings to achieve certain standards relating to energy efficiency and environmental design under certain conditions; requiring certain applicants to submit certain documentation; requiring compliance as a condition of certain approvals; defining certain terms; requiring certain sureties; providing for certain waivers; creating a certain fund; providing for enforcement; providing that the Act shall apply to certain buildings for which certain plans have been filed after a certain date; and generally relating to energy efficiency and environmental design.

The Chairperson moved to adopt Council Bill No. 47-2007. His motion was seconded by Ms. Watson.

The Chairperson moved to adopt Amendment No. 1 to Council Bill No. 47-2007 as follows:

(This amendment:

1. Clarifies the definition of the terms “commissioning” and “new construction”;
2. Clarifies that a LEED accredited professional shall be a licensed professional engineer, licensed architect or registered landscape architect; and
3. Removes reference to “any successor organization” from the definition of Green Building Council.)

On page 1, strike in their entirety lines 26 through 31, inclusive, and substitute:

“(A) COMMISSIONING TEAM. A GROUP THAT IS:

(1) MADE OF UP SOME OR ALL OF THE FOLLOWING:

(I) THE OWNER;

(II) OCCUPANTS;

(III) OPERATIONS AND MAINTENANCE STAFF;

(IV) DESIGN PROFESSIONALS; AND

(V) CONTRACTORS; AND

(2) RESPONSIBLE FOR ENSURING, THROUGH DOCUMENTED VERIFICATION, THAT ALL NEW BUILDING SYSTEMS PERFORM AND INTERACT ACCORDING TO ORIGINAL DESIGN DOCUMENTS AND THE OWNER'S OPERATION NEEDS.”

On page 2, in line 5, strike “OR”

On page 2, in line 6, strike “ANY SUCCESSOR ORGANIZATION”.

On page 2, in line 11, strike “PERSON” and substitute “LICENSED PROFESSIONAL ENGINEER, LICENSED ARCHITECT, OR REGISTERED LANDSCAPE ARCHITECT”.

His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on Amendment No. 1 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson

Amendment No. 1 to Council Bill No. 47-2007 passed.

The Chairperson moved to adopt Amendment No. 2 to Council Bill No. 47-2007 as follows:
(This amendment changes the square footage requirement for non-publicly funded buildings from 20,000 to 50,000 square feet.)

On page 3, in line 12, strike “20,000” and substitute “50,000”.

His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on Amendment No. 2 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Amendment No. 2 to Council Bill No. 47-2007 passed.

The Chairperson moved to adopt Amendment No. 3 to Council Bill No. 47-2007 as follows: (This amendment changes a section number, removes certain unnecessary language, and adds other places in the Howard County Code where compliance with green neighborhood allocation standards needs to be referenced.)

On page 6, in line 2, strike “(v)” and substitute “(u)”.

On page 6, in line 3, strike “process” and substitute “process”, *new paragraph (21) is added to subsection (c) of Section 16.145 “Sketch plan; preliminary equivalent sketch plan”, and new paragraph (33) is added to subsection (c) of Section 16.147 “Final subdivision and final plat”, all*”.

On page 6, in line 13, strike “(V)” and substitute “(U)”.

On page 6, in line 16, after “COUNCIL.” insert:

“THE INITIAL PLAN SUBMISSION SHALL BE A PRELIMINARY EQUIVALENT SKETCH PLAN FOR MAJOR SUBDIVISIONS, FINAL PLAN FOR MINOR SUBDIVISIONS, OR SITE DEVELOPMENT PLAN, WHICHEVER IS APPLICABLE.

Section 16.145. Sketch plan; preliminary equivalent sketch plan.

(c) Required Information. A checklist specifying the required information format for sketch plan submission is to be provided by the Department of Planning and Zoning. For all types of subdivisions, except for apartments, the sketch plan, drawn on 24-inch by 36-inch sheets to scale 1 inch equals 200 feet, or as approved by the Department of Planning and Zoning shall be submitted on a topographic map, accompanied by an application form, checklist, and fee and the following items. Apartment developments shall be drawn at a scale of 1 inch equals 100 feet or 1 inch equals 50 feet and shall also provide the information required in paragraph (16) of this subsection. The Department of Planning and Zoning will provide a separate submission checklist for a preliminary equivalent sketch plan that incorporates appropriate requirements from the checklists for both sketch and preliminary plans.

(21) FOR RESIDENTIAL DEVELOPMENT PROJECTS REQUESTING GREEN NEIGHBORHOOD ALLOCATIONS, THE PRELIMINARY EQUIVALENT SKETCH PLAN SHALL DEMONSTRATE HOW THE PROJECT WILL COMPLY WITH THE GREEN NEIGHBORHOOD SITE PORTION OF THE GREEN NEIGHBORHOOD CHECKLIST.

Section 16.147. Final subdivision plan and final plat.

(c) Required Information for Final Plat: A checklist specifying the required format for final plat submission shall be provided by the Department of Planning and Zoning. The final plat shall be clearly and legibly drawn in black waterproof ink on a reproducible linen of good quality or comparable material approved by the Howard County Department of Planning and Zoning and shall conform to the plat requirements of the Annotated Code of Maryland, as amended. The size of the plat shall be 18 inches by 24 inches, including a 1.5-inch margin for binding along the left-hand edge and 0.5-inch margins on all other sides. Scale shall be 1 inch equals 100 feet, 1 inch equals 50 feet, 1 inch equals 30 feet, or as approved by the Department of Planning and Zoning. Where necessary, the final plat may be on several sheets accompanied by an index sheet showing the entire subdivision submitted. Information to be shown on the final plat shall include:

(33) FOR RESIDENTIAL DEVELOPMENT PROJECTS REQUESTING GREEN NEIGHBORHOOD ALLOCATIONS, THE FINAL PLAN SHALL DEMONSTRATE HOW THE PROJECT WILL COMPLY WITH THE GREEN NEIGHBORHOOD SITE PORTION OF THE GREEN NEIGHBORHOOD CHECKLIST. THE FINAL PLAT SHALL INDICATE THAT THE

DEVELOPMENT HAS OBTAINED GREEN NEIGHBORHOOD ALLOCATIONS AND SHALL INDICATE THAT DURING THE BUILDING PERMIT PROCESS ALL BUILDINGS WITHIN THE RESIDENTIAL DEVELOPMENT PROJECT SHALL COMPLY WITH THE GREEN NEIGHBORHOOD HOME PORTION OF THE GREEN NEIGHBORHOOD CHECKLIST.”

On page 6, strike in their entirety lines 18 through 24, inclusive, and substitute:

“Section 3. And Be It Further Enacted by the County Council of Howard County, Maryland, that new paragraph (16) is added to subsection (c) of Section 16.157 “Required information for site development plans” of Article V “Procedures for Filing and Processing Site Development Plan Applications” of Subtitle 1 “Subdivision and Land Development Regulations” of Title 16 “Planning, Zoning and Subdivisions and Land Development Regulations” of the Howard County Code to read as follows:

Title 16. Planning, Zoning and Subdivisions and Land Development Regulations.

Subtitle 1. Subdivisions and Land Development Regulations.

Article V. Procedures for Filing and Processing Site Development Plan Applications.

Section 16.157. Required information for site development plans.

(c) Information Concerning Proposed Improvements:

(16) FOR RESIDENTIAL DEVELOPMENT PROJECTS REQUESTING GREEN NEIGHBORHOOD ALLOCATIONS, THE SITE DEVELOPMENT PLAN SHALL DEMONSTRATE HOW THE PROJECT WILL COMPLY WITH THE GREEN NEIGHBORHOOD SITE PORTION OF THE GREEN NEIGHBORHOOD CHECKLIST. THE SITE DEVELOPMENT PLAN SHALL INDICATE THAT THE DEVELOPMENT HAS OBTAINED GREEN NEIGHBORHOOD ALLOCATIONS AND SHALL INDICATE THAT DURING THE BUILDING PERMIT PROCESS ALL BUILDINGS WITHIN THE RESIDENTIAL DEVELOPMENT PROJECT SHALL COMPLY WITH THE GREEN NEIGHBORHOOD HOME PORTION OF THE GREEN NEIGHBORHOOD CHECKLIST.”

His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on Amendment No. 3 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson

Amendment No. 3 to Council Bill No. 47-2007 passed.

The Chairperson moved to adopt Amendment No. 4 to Council Bill No. 47-2007 as follows: *(This amendment adopts specific versions of LEED.)*

On page 4, in line 12, strike “ADOPTED AT THE”.

On page 4, in line 13, strike “TIME THE APPLICANT REGISTERS FOR LEED”.

On page 4, in line 14, after “CONSTRUCTION” insert “VERSION 2.2”.

On page 4, in line 15, after “SHELL” insert “VERSION 2.0”.

On page 4, in line 24, strike “ADOPTED AT THE”.

On page 4, in line 25, strike “TIME THE APPLICANT REGISTERS FOR LEED”.

On page 4, in line 26, after “CONSTRUCTION” insert “VERSION 2.2”.

On page 4, in line 27, after “SHELL” insert “VERSION 2.0”.

His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on Amendment No. 4 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson

Amendment No. 4 to Council Bill No. 47-2007 passed.

The Chairperson moved to adopt Amendment No. 5 to Council Bill No. 47-2007 as follows: *(This amendment clarifies that the alternative standards may be adopted by Regulation of the Director. In some instances the Bill says “identify” or “determined” and in some instances it says “adopts”).*

On page 4, in lines 17 and 29, in each instance, strike “IDENTIFY” and substitute “ADOPT”.

On page 5, in line 13, strike “IDENTIFY” and substitute “ADOPT”.

On page 6, in line 28, strike “DETERMINED” and substitute “ADOPTED”.

His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on Amendment No. 5 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson

Amendment No. 5 to Council Bill No. 47-2007 passed.

The Chairperson moved to adopt Amendment No. 6 to Council Bill No. 47-2007 as follows: *(This amendment makes a technical correction to clarify those submissions required at building permit phase and clarifies that certain required submissions apply to applicants for new construction that is subject to the subtitle.)*

On page 5, in line 6, after “APPLICANT” insert “FOR NEW CONSTRUCTION SUBJECT TO THIS SUBTITLE”.

On page 5, strike in their entirety lines 25 through 31, inclusive, and substitute:

“PERMIT APPLICATION, AN APPLICANT FOR NEW CONSTRUCTION SUBJECT TO THIS SUBTITLE SHALL SUBMIT TO THE DIRECTOR:

(1) (I) DOCUMENTATION SHOWING THAT THE PROJECT HAS BEEN REGISTERED WITH THE GREEN BUILDING COUNCIL AND AN UPDATED LEED CHECKLIST THAT SHALL BE PREPARED, SIGNED, AND DATED BY THE PROJECT LEED ACCREDITED PROFESSIONAL;
OR

(II) IF THE DIRECTOR HAS ADOPTED EQUIVALENT STANDARDS BY REGULATION, AN UPDATED CHECKLIST THAT IS APPROVED BY THE DIRECTOR AS DEMONSTRATING THAT THE APPLICANT MEETS THE EQUIVALENT STANDARDS;”

On page 6, strike in their entirety, lines 1 through 4, inclusive.

On page 6, in line 5, strike “(3)” and substitute “(2)”.

On page 6, in line 9, strike “(4)” and substitute “(3)” and, in the same line, before “DOCUMENTATION” insert “IF APPLICABLE,”.

On page 6, in line 12, strike “(5)” and substitute “(4)”.

On page 6, in lines 17 and 26, in each instance, after “APPLICANT” insert “FOR NEW CONSTRUCTION SUBJECT TO THIS SUBTITLE”.

His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on Amendment No. 6 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson

Amendment No. 6 to Council Bill No. 47-2007 passed.

The Chairperson moved to adopt Amendment No. 7 to Council Bill No. 47-2007 as follows: *(This amendment:*

- 1. Adds a requirement that the applicant apply for certification with the Green Building Council within a year after receipt of a certificate of use and occupancy;*
- 2. Removes the surety and renumbers the sections accordingly; and*
- 3. Clarifies that civil penalties will be for failure to apply for certification.)*

On page 6, strike line 24 in its entirety and substitute:

“(E) TWELVE MONTHS AFTER RECEIPT OF A CERTIFICATE OF USE AND OCCUPANCY. WITHIN 12 MONTHS OF RECEIPT OF A CERTIFICATE OF USE AND OCCUPANCY, AN APPLICANT FOR NEW CONSTRUCTION SUBJECT TO THIS SUBTITLE SHALL APPLY TO THE GREEN BUILDING COUNCIL FOR CERTIFICATION.

“(F) THIRTY-SIX MONTHS AFTER RECEIPT OF A CERTIFICATE OF USE AND OCCUPANCY.”

On page 7, strike in their entirety lines 1 through 20, inclusive.

On page 7, in line 22, strike “**3.1007**” and substitute “**SECTION 3.1006**”.

On page 7, in line 28, strike “**3.1008**” and substitute “**SECTION 3.1007**”.

On page 8, in line 23, strike “**3.1009**” and substitute “**3.1008**”.

On page 9, in line 12, strike “**3.1010**” and substitute “**3.1009**”.

On page 9, in line 16, strike “**3.1011**” and substitute “**3.1010**”.

On page 10, in line 4, strike “**3.1012**” and substitute “**SECTION 3.1011**”.

On page 10, in line 18, strike “**3.1013**” and substitute “**SECTION 3.1012**”.

On page 10, strike in their entirety lines 5 through 16, inclusive, and substitute:

“(A) BUILDING CODE. EXCEPT FOR VIOLATIONS OF SECTION 3.1003(A) OF THIS SUBTITLE, THIS SUBTITLE MAY BE ENFORCED IN ACCORDANCE WITH THE HOWARD COUNTY BUILDING CODE AS ADOPTED IN SUBTITLE 1 OF THIS TITLE.

(B) CIVIL PENALTIES. EXCEPT FOR NEW CONSTRUCTION OF PUBLICLY FUNDED BUILDINGS THAT ARE SUBJECT TO THIS SUBTITLE, THE DIRECTOR MAY INSTITUTE THE FOLLOWING ALTERNATIVE AND CONCURRENT REMEDIES:

- (1) THE DIRECTOR MAY INSTITUTE ANY ACTION AT LAW OR EQUITY, INCLUDING INJUNCTION OR MANDAMUS, TO ENFORCE SECTION 3.1005(E) OF THIS SUBTITLE;
- (2) THE DIRECTOR MAY ENFORCE SECTION 3.1005(E) OF THIS SUBTITLE WITH CIVIL PENALTIES IN ACCORDANCE WITH TITLE 24 OF THIS CODE AND A VIOLATION OF SECTION 3.1005(E) IS A CLASS A OFFENSE; AND
- (3) EACH DAY THAT A VIOLATION CONTINUES IS A SEPARATE OFFENSE.”

His motion was seconded by Ms. Watson.

The Chairperson moved to adopt Amendment No. 1 to Amendment No. 7 to Council Bill No. 47-2007 as follows: *(This amendment clarifies the title and corrects a cross reference.)*

On page 1, before line 1, insert:

“On the title page, in line 4 of the title, strike “requiring certain sureties;””.

On page 2, in line 4, strike “3.1003(A)” and substitute “3.1004”.

His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the amendment to Amendment No. 7 was:
Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson
Amendment No. 1 to Amendment No. 7 to Council Bill No. 47-2007 passed.

The roll call vote called by the Chairperson on Amendment No. 7 as amended was: Yea:
Council Members Ball, Fox, Sigaty, Terrasa and Watson
Amendment No. 7 to Council Bill No. 47-2007 passed as amended.

The Chairperson moved to adopt Amendment No. 8 to Council Bill No. 47-2007 as follows: *(Because a building will not be certified at the time of building permit review, this amendment clarifies that if the project checklist indicates that the applicant is seeking certification at the gold or platinum level rating, the project qualifies for fast track review.)*

On page 7, strike in their entirety lines 23 through 26, inclusive, and substitute:

“AN APPLICATION FOR A BUILDING PERMIT SHALL RECEIVE EXPEDITED REVIEW BY THE DEPARTMENT IF THE CHECKLIST SUBMITTED WITH THE BUILDING PERMIT APPLICATION INDICATES THAT THE APPLICANT IS SEEKING CERTIFICATION AT THE GOLD OR PLATINUM-LEVEL RATING OR AN EQUIVALENT STANDARD AS MAY BE ADOPTED BY REGULATION OF THE DIRECTOR.”

His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on Amendment No. 8 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson
Amendment No. 8 to Council Bill No. 47-2007 passed.

The Chairperson moved to adopt Amendment No. 9 to Council Bill No. 47-2007 as follows: *(This amendment would remove the cost of staff and operations as an eligible expenditure from the Green Fund and replace the option that provides assistance for commercial property owners seeking to retrofit existing buildings to the LEED standard).*

On page 9, strike lines 5 through 7, and substitute:

- “(2) PROVIDING TECHNICAL ASSISTANCE TO THE FOLLOWING BUILDING OWNERS SEEKING TO ACHIEVE CERTIFICATION FROM THE GREEN BUILDING COUNCIL OF CERTIFIED-LEVEL RATING OR HIGHER:
- (I) BUILDING OWNERS RETROFITTING EXISTING COMMERCIAL BUILDINGS TO THE LEED FOR EXISTING BUILDINGS, VERSION 2.0 STANDARD; OR
 - (II) BUILDING OWNERS DEVELOPING NEWLY CONSTRUCTED COMMERCIAL BUILDINGS WITH LESS THAN 50,000 GROSS SQUARE FEET TO THE FOLLOWING LEED STANDARDS:
 - (a) NEW CONSTRUCTION, VERSION 2.2; OR
 - (b) CORE AND SHELL STANDARD; AND”.

His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on Amendment No. 9 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson

Amendment No. 9 to Council Bill No. 47-2007 passed.

The Chairperson moved to adopt Amendment No. 10 to Council Bill No. 47-2007 as follows: *(This amendment moves the requirement to submit certain documentation required at the time of site development plan to the appropriate place in the Subdivision and Land Development Regulations.)*

On page 10, strike beginning with “subsection” in line 23 through “of” in line 25, inclusive, and substitute:

“paragraph (4) is added to subsection (b) of Section 16.156 “Procedures” of Article V “Procedures for filing and processing site development plan applications” of ”.

On page 10, in line 31, strike “**Article IV. Procedures for Filing and Processing Subdivision Applications.**” and substitute “**Article V. Procedures for Filing and Processing Site Development Plan Applications.**”

On page 11, strike in their entirety lines 1 through 6, inclusive, and substitute:

“Section 16.156. Procedures.

(b) Application: The applicant for a site development plan shall submit the following to the Department of Planning and Zoning:

- (4) COMPLIANCE WITH GREEN BUILDINGS LAW. A SITE DEVELOPMENT PLAN APPLICATION FOR A PROJECT THAT IS REQUIRED TO COMPLY WITH THE HOWARD COUNTY GREEN BUILDINGS LAW, SET FORTH IN TITLE 3, SUBTITLE 10 OF THIS CODE, SHALL COMPLY WITH SECTION 3.1005(A) OF THIS CODE PRIOR TO APPROVAL OF THE PLAN.”

His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on Amendment No. 10 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson
Amendment No. 10 to Council Bill No. 47-2007 passed.

The Chairperson moved to adopt Amendment No. 11 to Council Bill No. 47-2007 as follows:
(This amendment would make the requirements of this bill mandatory only for publicly funded buildings and refund the building permit fees for other buildings under certain circumstances.)

On the title page, in line 4 of the title, strike “requiring certain sureties;”.

On the title page, in line 5 of the title, strike “creating a certain fund;”.

On the title page, in line 7 of the title, after the semi-colon, insert:
“permit the owner of certain building types to receive a refund of building permit fees for achieving certain standards relating to energy efficiency and environmental design under certain conditions;”

On page 3, strike lines 5 through 23 and substitute:
“(A) APPLICABILITY. EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, NEW CONSTRUCTION OF A PUBLICLY FUNDED BUILDING WITH 10,000 SQUARE FEET OR MORE OF GROSS FLOOR AREA SHALL COMPLY WITH THE REQUIREMENTS OF THIS SUBTITLE.”.

On page 3 and 4, strike lines 28 through 31 and line 1, on the respective pages, and renumber the remainder of the section accordingly.

On page 4, in line 21, strike “SHALL” and substitute “MAY”.

On page 5, in line 6, after “APPLICANT”, insert “FOR NEW CONSTRUCTION MEETING THE STANDARDS SET FORTH IN THIS SUBTITLE”.

On page 5, in line 25, after “APPLICANT”, insert “FOR NEW CONSTRUCTION MEETING THE STANDARDS SET FORTH IN THIS SUBTITLE”.

On page 6, in line 17, after “APPLICANT”, insert “FOR NEW CONSTRUCTION MEETING THE STANDARDS SET FORTH IN THIS SUBTITLE”.

On page 5, in line 10, after COUNCIL, insert “, INDICATING THE PARTICULAR LEED RATING SYSTEM BEING USED,”.

On page 5, in line 28, before the semi-colon, insert “AND INDICATES THE PARTICULAR LEED RATING SYSTEM BEING USED”.

On page 7, strike lines 1 through 20 and substitute:
“**3.1006. NON-PUBLICLY FUNDED NEW CONSTRUCTION; BUILDING PERMIT REFUND.**”

THE OWNER OF A NEWLY CONSTRUCTED BUILDING MAY RECEIVE A REFUND OF THE BUILDING PERMIT FEE IF THE BUILDING:

- (1) IS NOT PUBLICLY FUNDED AND HAS AT LEAST 10,000 SQUARE-FEET OR MORE OF GROSS FLOOR AREA IN THE FOLLOWING OCCUPANCY CATEGORIES:
 - (I) ASSEMBLY GROUP A;
 - (II) BUSINESS GROUP B;
 - (III) INSTITUTIONAL GROUP I;
 - (IV) MERCANTILE GROUP M;
 - (V) MIXED OCCUPANCIES IF A MAJORITY OF THE USE IS AN OCCUPANCY INCLUDED IN THIS SUBSECTION; AND
 - (VI) THE FOLLOWING RESIDENTIAL OCCUPANCIES:
 - A. RESIDENTIAL R-1; AND
 - B. RESIDENTIAL R-2. AND
- (2) HAS ACHIEVED A CERTIFICATION FROM THE GREEN BUILDING COUNCIL OF CERTIFIED-LEVEL RATING OR HIGHER IN ONE OF THE FOLLOWING LEED RATING SYSTEMS ADOPTED AT THE TIME THE APPLICANT REGISTERS FOR LEED:
 - (I) NEW CONSTRUCTION; OR
 - (II) CORE AND SHELL; OR
- (3) COMPLIES WITH ENERGY AND ENVIRONMENTAL DESIGN STANDARDS THAT THE DIRECTOR MAY IDENTIFY BY REGULATION AS EQUIVALENT TO A CERTIFIED-LEVEL RATING IN THE APPROPRIATE LEED RATING SYSTEM.”

On page 7, in line 28, strike “; FEE-IN-LIEU”

On pages 8 and 9, strike lines 15 through 31 and 1 through 10, on their respective pages.

On page 9, in lines 30 and 31, strike “, SUCH AS A FEE-IN-LIEU”.

His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on amendment was: Nay: Council Members Ball, Sigaty, Terrasa and Watson; Yea: Council Member Fox.

Amendment No. 11 to Council Bill No. 47-2007 failed.

The roll call vote called by the Chairperson on the bill as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Council Bill No. 47-2007 passed as amended.

Council Bill No. 48-2007 – Amending the adequate public facilities requirements in the Howard County Code; allowing a certain number of allocations for green neighborhoods; requiring compliance with certain green neighborhood standards; and generally relating to Howard County’s Adequate Public Facilities Ordinance

The Chairperson moved to adopt Council Bill No. 48-2007. His motion was seconded by Ms. Watson.

The Chairperson moved to adopt Amendment No. 1 to Council Bill No. 48-2007 as follows:
(*This amendment changes the source of the 100 allocations.*)

On page 3, in line 16, strike “THE”.

On page 3, in line 17, strike “RURAL WEST” and substitute “OTHER HOUSING ALLOCATION CATEGORIES”.

On page 3, in line 19, strike “AND”.

On page 3, in line 22, strike “SUBTITLE” and substitute:
“SUBTITLE; AND

(III) NO MORE THAN 50% OF THE GREEN NEIGHBORHOOD ALLOCATIONS SHALL BE GRANTED IN A GIVEN REGION PER YEAR.”

His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on Amendment No. 1 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Amendment No. 1 to Council Bill No. 48-2007 passed.

The Chairperson moved to adopt Amendment No. 2 to Council Bill No. 48-2007 as follows: (*This amendment clarifies that only green neighborhood allocations are voided if the green neighborhood requirements are not met and removes reference to voiding at building permit stage*)

On page 4, in line 6, after “MET” insert “BY PROJECTS THAT HAVE RECEIVED GREEN NEIGHBORHOOD ALLOCATIONS”.

On page 4, in line 7, strike “OR BUILDING PERMIT”.

His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on Amendment No. 2 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Amendment No. 2 to Council Bill No. 48-2007 passed.

The Chairperson moved to adopt Amendment No. 3 to Council Bill No. 48-2007 as follows: (*This amendment changes a section number, removes certain unnecessary language, and adds other places in the Howard County Code where compliance with green neighborhood allocation standards needs to be referenced.*)

On page 6, in line 2, strike “(v)” and substitute “(u)”.

On page 6, in line 3, strike “process” and substitute “process”, *new paragraph (21) is added to subsection (c) of Section 16.145 “Sketch plan; preliminary equivalent sketch plan”, and new paragraph (33) is added to subsection (c) of Section 16.147 “Final subdivision and final plat”, all*”.

On page 6, in line 13, strike “(V)” and substitute “(U)”.

On page 6, in line 16, after “COUNCIL.” insert:

“THE INITIAL PLAN SUBMISSION SHALL BE A PRELIMINARY EQUIVALENT SKETCH PLAN FOR MAJOR SUBDIVISIONS, FINAL PLAN FOR MINOR SUBDIVISIONS, OR SITE DEVELOPMENT PLAN, WHICHEVER IS APPLICABLE.

Section 16.145. Sketch plan; preliminary equivalent sketch plan.

(c) Required Information. A checklist specifying the required information format for sketch plan submission is to be provided by the Department of Planning and Zoning. For all types of subdivisions, except for apartments, the sketch plan, drawn on 24-inch by 36-inch sheets to scale 1 inch equals 200 feet, or as approved by the Department of Planning and Zoning shall be submitted on a topographic map, accompanied by an application form, checklist, and fee and the following items. Apartment developments shall be drawn at a scale of 1 inch equals 100 feet or 1 inch equals 50 feet and shall also provide the information required in paragraph (16) of this subsection. The Department of Planning and Zoning will provide a separate submission checklist for a preliminary equivalent sketch plan that incorporates appropriate requirements from the checklists for both sketch and preliminary plans.

(21) FOR RESIDENTIAL DEVELOPMENT PROJECTS REQUESTING GREEN NEIGHBORHOOD ALLOCATIONS, THE PRELIMINARY EQUIVALENT SKETCH PLAN SHALL DEMONSTRATE HOW THE PROJECT WILL COMPLY WITH THE GREEN NEIGHBORHOOD SITE PORTION OF THE GREEN NEIGHBORHOOD CHECKLIST.

Section 16.147. Final subdivision plan and final plat.

(c) Required Information for Final Plat: A checklist specifying the required format for final plat submission shall be provided by the Department of Planning and Zoning. The final plat shall be clearly and legibly drawn in black waterproof ink on a reproducible linen of good quality or comparable material approved by the Howard County Department of Planning and Zoning and shall conform to the plat requirements of the Annotated Code of Maryland, as amended. The size of the plat shall be 18 inches by 24 inches, including a 1.5-inch margin for binding along the left-hand edge and 0.5-inch margins on all other sides. Scale shall be 1 inch equals 100 feet, 1 inch equals 50 feet, 1 inch equals 30 feet, or as approved by the Department of Planning and Zoning. Where necessary, the final plat may be on several sheets accompanied by an index sheet showing the entire subdivision submitted. Information to be shown on the final plat shall include:

(33) FOR RESIDENTIAL DEVELOPMENT PROJECTS REQUESTING GREEN NEIGHBORHOOD ALLOCATIONS, THE FINAL PLAN SHALL DEMONSTRATE HOW THE PROJECT WILL COMPLY WITH THE GREEN NEIGHBORHOOD SITE PORTION OF THE GREEN NEIGHBORHOOD CHECKLIST. THE FINAL PLAT SHALL INDICATE THAT THE DEVELOPMENT HAS OBTAINED GREEN NEIGHBORHOOD ALLOCATIONS AND SHALL INDICATE THAT DURING THE BUILDING PERMIT PROCESS ALL BUILDINGS WITHIN THE RESIDENTIAL DEVELOPMENT PROJECT SHALL COMPLY WITH THE GREEN NEIGHBORHOOD HOME PORTION OF THE GREEN NEIGHBORHOOD CHECKLIST.”

On page 6, strike in their entirety lines 18 through 24, inclusive, and substitute:

“Section 3. And Be It Further Enacted by the County Council of Howard County, Maryland, that new paragraph (16) is added to subsection (c) of Section 16.157 “Required information for site development plans” of Article V “Procedures for Filing and Processing Site Development Plan Applications” of Subtitle 1 “Subdivision and Land Development Regulations” of Title 16 “Planning, Zoning and Subdivisions and Land Development Regulations” of the Howard County Code to read as follows:

Title 16. Planning, Zoning and Subdivisions and Land Development Regulations.

Subtitle 1. Subdivisions and Land Development Regulations.

Article V. Procedures for Filing and Processing Site Development Plan Applications.

Section 16.157. Required information for site development plans.

(c) Information Concerning Proposed Improvements:

(16) FOR RESIDENTIAL DEVELOPMENT PROJECTS REQUESTING GREEN NEIGHBORHOOD ALLOCATIONS, THE SITE DEVELOPMENT PLAN SHALL DEMONSTRATE HOW THE PROJECT WILL COMPLY WITH THE GREEN NEIGHBORHOOD SITE PORTION OF THE GREEN NEIGHBORHOOD CHECKLIST. THE SITE DEVELOPMENT PLAN SHALL INDICATE THAT THE DEVELOPMENT HAS OBTAINED GREEN NEIGHBORHOOD ALLOCATIONS AND SHALL INDICATE THAT DURING THE BUILDING PERMIT PROCESS ALL BUILDINGS WITHIN THE RESIDENTIAL DEVELOPMENT PROJECT SHALL COMPLY WITH THE GREEN NEIGHBORHOOD HOME PORTION OF THE GREEN NEIGHBORHOOD CHECKLIST.”

His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on Amendment No. 3 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson

Amendment No. 3 to Council Bill No. 48-2007 passed.

The roll call vote called by the Chairperson on the bill as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson

Council Bill No. 48-2007 passed as amended.

Council Bill No. 49-2007 – Establishing a property tax credit for certain high performance buildings under certain conditions; establishing the terms and duration of the credit; providing for an application procedure and administration of the credit; clarifying the eligibility for certain property tax credits; and generally relating to property tax credits

The Chairperson moved to adopt Council Bill No. 49-2007. His motion was seconded by Ms. Watson.

The Chairperson moved to adopt Amendment No. 1 to Council Bill No. 49-2007 as follows:
(This amendment adopts specific versions of LEED and makes a technical correction.)

On page 2, in line 12, strike “IDENTIFY” and substitute “ADOPT”.

On page 2, in line 25, after “SHELL” insert “VERSION 2.0” and, in the same line, after “CONSTRUCTION” insert “VERSION 2.2”.

On page 3, in line 7, after “BUILDINGS” insert “VERSION 2.0”.

His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on Amendment No. 1 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson

Amendment No. 1 to Council Bill No. 49-2007 passed.

The Chairperson moved to adopt Amendment No. 2 to Council Bill No. 49-2007 as follows:
(This amendment changes the square footage requirement for non-publicly funded buildings from 20,000 to 50,000 square feet.)

On page 3, in line 12, strike “20,000” and substitute “50,000”.

His motion was seconded by Ms. Watson.

The Chairperson moved to adopt Amendment No. 1 to Amendment No. 2 to Council Bill No. 49-2007 as follows: *(This amendment adds a reporting requirement.)*

On page 1, in line 12 after “YEARS.” insert “THIS ESTIMATED TOTAL SHALL INCLUDE BOTH THOSE WHO HAVE APPLIED FOR THE TAX CREDIT AND A PROJECTION OF THOSE WHO WILL QUALIFY FOR THE TAX CREDIT.”

His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the amendment to the amendment was: Nay: Council Members Ball, Terrasa and Watson; Yea: Council Members Fox and Sigaty.

Amendment No. 1 to Amendment No. 2 to Council Bill No. 49-2007 failed.

The roll call vote called by the Chairperson on Amendment No. 2 to Council Bill No. 49-2007 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson

Amendment No. 2 to Council Bill No. 49-2007 passed.

The roll call vote called by the Chairperson on the bill as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson

Council Bill No. 49-2007 passed as amended.

Council Resolution No. 89-2007 – Adopting green neighborhood standards that must be met in order to receive a Green Neighborhood Allocation

The Chairperson moved to table Council Resolution No. 89-2007. His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson

The motion to table Council Resolution No. 89-2007 passed.

Council Resolution No. 90-2007 – Adopting the Housing Unit Allocation Chart for Fiscal Year 2008 pursuant to the Adequate Public Facilities Act of Howard County

The Chairperson moved to adopt Council Resolution No. 90-2007. His motion was seconded by Ms. Watson.

The Chairperson moved to adopt Amendment No. 1 to Council Resolution No. 90-2007 as follows: *(This amendment substitutes a new Housing Unit Allocation Chart to show changes in 2010, 2011, and 2012.)*

Remove the Housing Unit Allocation Chart, attached to the Resolution as Exhibit A, and substitute the revised Housing Unit Allocation Chart as attached to this Amendment. (See attached.)

His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the amendment was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson
Amendment No. 1 to Council Resolution No. 90-2007 passed.

The roll call vote called by the Chairperson on the resolution as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson
Council Resolution No. 90-2007 passed as amended.

Council Resolution No. 91-2007 – Adopting the Open/Closed Chart, pursuant to the Adequate Public Facilities Act of Howard County, to designate the school regions and school districts that are open for residential development

The Chairperson moved to adopt Council Resolution No. 91-2007. His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the resolution was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson
Council Resolution No. 91-2007 passed.

Council Resolution No. 92-2007 – Approving the rehabilitation of the Stevens Forest housing development in Columbia, Maryland to be financed either directly by the Department of Housing and Community Development of the State of Maryland or through the Department's Community Development Administration

The Chairperson moved to adopt Council Resolution No. 92-2007. His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the resolution was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson
Council Resolution No. 92-2007 passed.

ADJOURNMENT

The Chairperson adjourned the legislative session at 5:30 p.m.

TABLED LEGISLATION

Council Resolution No. 89-2007 – Adopting green neighborhood standards that must be met in order to receive a Green Neighborhood Allocation (*Tabled 07/30/07*)
